IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A. D. 1945

No. 188

WILLIAM EIBERT LAWRENCE
Petitioner

Against

THE PEOPLE OF THE STATE OF ILLINOIS
Respondent

PETITION FOR REHEARING

To the Honorable Chief Justice of the United States Supreme Court and the Associate Justices of the Supreme Court of the United States:

Your Petitioner, William Elbert Lawrence, respectfully represents as follows:

On October 8th, 1945, the United States Supreme Court entered an order herein in and by which Certiorari was denied to your Petitioner; And on November 5th, 1945, the United States Supreme Court entered an order herein in which Petition for Rehearing was denied to your Petitioner .

Your petitioner respectfully petitions this Court for a Rehearing in that regard and shows:

1. The Court overlooked the decision Skinner v. State of Oklahoma, 316 U.S. 535, 541; 62 S. Ct. 1110- 1113, in that the act attaints and provides increased penalties for one and not the other similarly situated and it makes invidious discriminations quite as obnoxious as if it had selected a particular race or nationality for oppressive treatment. Therefore, the Act violates the " Due Process of Law " clause and violates the " Equal protection of the Laws " clause of the Fourteenth Amendment to the Constitution of the United States.

This Court said: (Skinner v. State of Oklahoma, supra,) " Thus both are guilty of felonies. If the latter " (Larceny) " repeats his act and is convicted three times he may be sterilized. But the Clerk " (Embezzler) " is not subject to the pains and penalties of the act no matter how large his embezzlements nor how frequent his convictions."-------- " Hence no matter how habitual his proclivities for embezzlement are and no matter how often his convictions, he may not be sterilized." In both Illinois and Oklahoma, Larceny is within the Acts whereas, Embezzlement is not and both such states such embezzlers are " forever " free ". In Larceny-- Embezzlement appearing page 1112 of 62 S. Ct. in the Oklahoma case the situation is paralled with the case at bar.

This Court in the Skinner case, supra, said that it is not at liberty to grant or with-hold the enforcement of Constitutional commands .

2. The Court overlooked the decision by the Illinois Supreme Court People v. Livermore, 390 Illinois 85 (pp. 96-102) in that the court there condemned any procedure that " blackens the character of the defendant before starting on an investigation of the crime with which he is charged ". The indictment in the case at bar does blacken the character of the defendant in exactly that way and makes a fair and impartial trial impossible . What the Court condemned in the Livermore case is approved in the case at bar. This is an obvious contradiction .

3. The Court overlooked the legal effect of the decision Tot v. United States, 319 U.S. 463, 466, 470, in that the procedure that blackens the character of a defendant before starting upon the investigation of the crime with which he is charged is a direct violation of the canons of decency and fairness which express the notions of justice of the English speaking people toward those charged with crime. The Allegations in regard to a prior conviction are no part of the main case on trial .

4. The Court overlooked the contention that the Act requires an indictment to set forth the previous conviction and thereby makes a fair trial impossible .

This is therefore a violation of the fair play guaranteed by the United States Constitution .

5. The Court overlooked the contention that the Act is a " Law that condemns all the individuals of a class to harsh measures without a hearing." It therefore " lacks the first principle of due process of Law ".

It is believed that a holding to the effect that the Illinois Act is unconstitutional would in no wise endanger society . In the case of People v. Montana, the Illinois Supreme Court (380 ILL. 596) held the then current Sentence and Parole Law to be unconstitutional and that decision effected some 1,500 prisoners who were held under that act. Of that total about one thousand of the prisoners have been remanded for proper sentence by the Illinois Supreme Court and about one-fourth of these prisoners have been given probation.

The Act at bar is a test case and involves about four hundred prisoners, and petitioner respectfully prays that the Act at bar be declared unconstitutional and that petitioner be remanded to the trial court for a new trial or for resentence on the conviction of robbery .

Dated, November 26th, 1945 .

Respectfully submitted,

William Elbert Lawrence,
Petitioner,
Attorney pro se .